

### REMARKS

Claims 84-86, 88-92, and 94-147 were pending as of the Office Action mailed January 25, 2008.

Claims 84, 106, and 127 are being amended. No claims are being cancelled or newly added. No new matter has been added. Support for the amendments can be found within the applicant's specification, at least on page 8.

Reconsideration of the action and allowance of the application are respectfully requested in light of the foregoing amendments and the following remarks.

### **Interview Summary**

The applicant thanks Examiners Greene and Felton for the courtesy of the in-person/telephone interview on April 9, 2008. The time spent with the applicant's representatives Kirk A. Gottlieb and Arrienne M. Lezak was greatly appreciated. During the interview the claims were discussed in light of the prior art. Specifically, the applicant's representatives explained that the software program and the software resource are part of a software structure residing on a computer system, not in a distributed system. Additionally, the applicant's representatives explained that the prior art teaches software resources residing in a distributed system. Recommendations were made by the examiner for overcoming the prior art. These recommendations have been incorporated into the applicant's claims as noted above.

### **Section 103 Rejections**

Claims 84-86, 88-92, and 94-104 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent 5,204,897 ("Wyman") in view of Applicants Admitted Prior Art ("AAPA") and in further view of *In re Wolfe*, 116 USPQ 443,444 (CCPA 1961).

Claims 84-86, 88-92, and 94-104 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent 5,553,143 ("Ross") in view of Applicants Admitted Prior Art ("AAPA") and in further view of *In re Wolfe*, 116 USPQ 443,444 (CCPA 1961).

#### Claim 84

To expedite prosecution, and without changing the scope of the claim properly construed, the applicant has amended claim 84 to recite that the software program and the software resource are part of a software structure residing on the computer system.

As discussed in the interview, the Wyman teaches a system that “employs a license management method...,” and includes “a license management server (that) administers the license, and each licensed product upon start-up makes a call to the license server to check on whether usage is permitted,” (Emphasis added), (Wyman, col. 6, lines 45-51). Thus, the applicant respectfully submits that Wyman teaches a distributed system. Wyman does not teach or suggest that the software program and the software resource are part of a software structure residing on the computer system. Additionally, Wyman does not teach or suggest that the software program includes an access authorization indicator (which includes licensing terms) for allowing the software program to use the software resource, as claimed.

Like Wyman, Ross discloses a distributed system where licenses are created independent of the product and stored in a license extraction database; not in the software program requesting the license, (See, e.g., Ross, col. 2, lines 59-65; col. 6, lines 22-23, and col. 7, lines 1-5). More particularly, Ross fails to show or suggest that the software program and the software resource are part of a software structure residing on the computer system. Additionally, Ross does not teach or suggest that the software program includes an access authorization indicator for allowing the software program to use the software resource, as claimed.

For the foregoing reasons, claim 84 is distinguished over the cited references. Applicants respectfully request that the Examiner withdrawal his rejections of claim 84 and allow claim 84, as amended. Claims 85, 86, 88-92 and 94-105 depend from independent claim 84, and are allowable for at least those reasons that apply to that independent claim.

#### Claim 106

To expedite prosecution, and without changing the scope of the claim properly construed, the applicant has amended claim 106 to recite that the software program and the software resource are part of a software structure residing on the computer system. The applicant respectfully submits that claim 106 is therefore allowable for at least those reasons enumerated

above with respect to claim 84. Claims 107-126 depend from independent claim 106, and are allowable for at least those reasons that apply to that independent claim.

#### Claim 127

To expedite prosecution, and without changing the scope of the claim properly construed, the applicant has amended claim 127 to recite that the software program and the software resource are part of a software structure residing on the machine. The applicant respectfully submits that claim 127 is therefore allowable for at least those reasons enumerated above with respect to claim 84. Claims 128-147 depend from independent claim 127, and are allowable for at least those reasons that apply to that independent claim.

Withdrawal of the rejection under 35 U.S.C. § 103(a) is therefore respectfully requested.

#### **Conclusion**

The applicant respectfully requests that all pending claims be allowed.

By responding in the foregoing remarks only to particular positions taken by the examiner, the applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, the applicant's selecting some particular arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist. Finally, the applicant's decision to amend or cancel any claim should not be understood as implying that the applicant agrees with any positions taken by the examiner with respect to that claim or other claims.

Applicant : Garst et al.  
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Respectfully submitted,

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/Arrienne M. Lezak/

Arrienne M. Lezak  
Reg. No. 51,943

**PTO Customer No. 26183**

Fish & Richardson P.C.  
Telephone: (650) 839-5070  
Facsimile: (650) 839-5071

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